

THE HONORABLE JAMAL N WHITEHEAD

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DEJAVUAI, INC., a Washington corporation,

Plaintiff,

v.

FYODOR “TED” KEPUSTIN aka FYDOR
“TED” KAPUSTINE, an individual

Defendant.

Cause No.2:25-cv-00915-JNW

**DEFENDANT’S MOTION TO
EXTEND ANSWER AND SHOW
CAUSE DEADLINES**

**Note on Motion Calendar: May 30,
2025**

Oral Argument Requested

For reasons stated herein, Defendant Foydor Kapustin (“Defendant”), by and through his undersigned counsel, respectfully requests that the deadline for filing his Answer, currently set for June 6, 2025, and the date for show cause, currently set for June 12, 2025, be extended to August 5, 2025 and August 11, 2025, respectively.

These requests are made in light of the following:

1. Defendant was served with the complaint and motion for temporary restraining order on May 16, 2025 (Dkt#18), setting the Answer deadline as June 6, 2025.
2. On May 22, 2025, the Court issued an order (Dkt#21) setting June 12, 2025 as the deadline for Defendant to show cause.
3. The attorney representing the Defendant in this proceeding was engaged and appeared on May 21, 2025 (Dkt#17). Undersigned counsel has not yet had an

1 opportunity to adequately investigate the complex facts and voluminous allegations
2 made by Plaintiff against Defendant in this matter.

3 4. Defendant's email account during the relevant period has been deactivated by
4 Plaintiff and Defendant is unable to access his emails both sent and received during
5 the relevant time period. On May 22, 2025, Defendant's counsel had a call with
6 Plaintiff's counsel, requesting old emails from the now inaccessible email account
7 (ted@dejavuai.com) to assist with the investigation of this case. Such emails are
8 apparently available to Plaintiff because Plaintiff has, in fact, used Defendant's old
9 emails in this email account in this very proceeding. Without access to his old
10 emails, Defendant is incapable of obtaining the evidence needed properly to defend
11 himself in this proceeding.
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13 5. In compliance with the Local Rules, Defendant's counsel has attempted to secure
14 Plaintiff's agreement to both an extension of time and access to the old emails but
15 to no avail. In particular, on May 23, 2025, Defendant's counsel emailed Plaintiff's
16 counsel for a request for a 60-day extension of the Answer deadline. Plaintiff's
17 counsel replied the same day that they were "discussing the extension and email
18 issues."
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20 6. On May 27, 2025, after the Memorial Day holiday, Defendant's counsel emailed
21 Plaintiff's counsel again regarding the old emails and the extension request, but no
22 response has been received as of today.
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24 7. Instead of constantly asking Plaintiff for its consent and necessary info but without
25 receiving them, Defendant hereby files this motion to extend the deadlines for filing
26 his Answer and show cause because Defendant does not have the necessary
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1 information currently in sole possession of Plaintiff, which makes it impossible for
2 Defendant to conduct a full investigation needed to develop and present necessary
3 arguments and counterclaims he may have by the two deadlines. For example, those
4 old emails are crucial to discovering the authenticity of the License Agreement
5 (Dkt#1-2) Plaintiff heavily relied on in this proceeding.
6

7 For all the foregoing reasons, Defendant respectfully requests that deadlines for filing
8 its Answer, and the date for show cause, be extended to August 5, 2025 and August 11, 2025,
9 respectively.

10 Dated: May 30, 2025

Respectfully submitted,

11 /s/ Yan Song

12 Yan Song, WSBA No: 53611

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17 Attorney for Defendant

18 I certify that this memorandum contains 590 words in compliance with the Local Civil Rules.
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CERTIFICATE OF SERVICE

I hereby certify on the date indicated below, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all parties who have appeared in this matter.

DATED: May 30, 2025

/s/ Yan Song